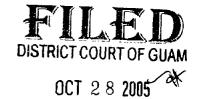
IN THE DISTRICT COURT OF GUAM TERRITORY OF GUAM CRIMINAL MINUTES SENTENCING



MARY L.M. MORAN

CLERK OF COURT CASE NO. CR-03-00032 DATE: 10/27/2005 HON, WILLIAM ALSUP, Designated Judge Law Clerk: K. Walmsley / J. Moton HON. WILLIAM ALSUP, Designated Judge
Court Reporter: Wanda Miles

Hearing Electronically Recorded: 8:10:13 - 10:02:55

Law Clerk: K. Walmsley / J. M. Courtroom Deputy: Virginia T. CSO: N. Edrosa / P. Taijeron Courtroom Deputy: Virginia T. Kilgore **DEFT: THOMAS V.C. TANAKA ATTY: LOUIE YANZA** (X) PRESENT () CUSTODY (X) BOND () P.R. (X) PRESENT (X) RETAINED () FPD () CJA APPOINTED **U.S. ATTORNEY: JEFF STRAND** AGENT: TAI LEE, I.R.S. / RICK FUENTES, DEPARTMENT OF HOMELAND SECURITY U.S. PROBATION: CARLEEN BORJA / MARIA CRUZ U.S. MARSHAL: S. LUJAN / F. TAITAGUE / J. CURRY LANGUAGE: INTERPRETER: (X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS _____ Base offense level: 10 Total offense level: Criminal History Category: I NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE (X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT: Requested the Court to impose a sentence at the low end of the guidelines. (X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES (X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION: Held no position on sentencing and deferred to the Court for imposition. () LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT **NOTES/OTHER MATTERS:**

SENTENCE: CR-03-00032 DEFENDANT: TOMAS V.C. TANAKA

(X) DEFENDANT SENTENCED TO PROBATION FOR A TERM OF TWO YEARS.

THE TERM OF PROBATION WILL INCLUDE THE FOLLOWING CONDITIONS:

- 1. DEFENDANT SHALL PARTICIPATE IN A SIX MONTH HOME CONFINEMENT PROGRAM WHICH WILL INCLUDE ELECTRONIC MONITORING. DEFENDANT IS RESTRICTED TO HIS HOME AT ALL TIMES EXCEPT FOR EMPLOYMENT AS APPROVED BY THE U.S. PROBATION OFFICE, ATTORNEY VISITS, MEDICAL, RELIGIOUS SERVICES AND TO CONDUCT SPEECHES.
- 2. DEFENDANT SHALL NOT TRAVEL WITHOUT THE PERMISSION OF THE U.S. PROBATION OFFICE.
- 3. DEFENDANT SHALL DURING THE FIRST YEAR OF PROBATION GIVE AT LEAST ONE SPEECH TO A TOTAL AUDIENCE OF AT LEAST 200 PEOPLE. THE PROBATION OFFICER MUST BE PRESENT AT THE SPEECH.
- 4. DEFENDANT SHALL PERFORM 200 HOURS OF COMMUNITY SERVICE UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE WITH CREDIT FOR SPEECHES CONDUCTED.
- 5. DEFENDANT SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE AND SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. THE MANDATORY DRUG TESTING CONDITIONS IS HEREBY SUSPENDED UNLESS RECOMMENDED BY THE U.S. PROBATION OFFICE.
- 6. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
- 7. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF PROBATION AS SET FORTH BY THE U.S. SENTENCING COMMISSION AND UNDER 18 U.S.C. § 3563.
- 8. DEFENDANT SHALL BE PROHIBITED FROM POSSESSING A FIREARM, DANGEROUS WEAPONS OR AMMUNITION.
- 9. DEFENDANT SHALL BE PROHIBITED FROM INCURRING NEW CREDIT CHARGES OR OPENING ADDITIONAL LINES OF CREDIT WITHOUT APPROVAL OF THE U.S. PROBATION OFFICE UNLESS HE IS IN COMPLIANCE WITH THE PAYMENT SCHEDULE.
- 10. DEFENDANT SHALL PROVIDE THE U.S. PROBATION OFFICE ACCESS TO ANY REQUESTED FINANCIAL INFORMATION.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A FINE OF \$2,000.00 AND A SPECIAL ASSESSMENT FEE OF \$100.00 TO BE PAID IMMEDIATELY AFTER SENTENCING.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HIS APPEAL RIGHTS.

TIME ENDED: 10:02 A.M.